

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

W.L., IV, AS NEXT FRIEND OF W.L., V,  
A MINOR;

*Plaintiff,*

VS.

SCOTT ASH JAMES ZIRUS, CAMP  
STEWART FOR BOYS INC.,  
AMERICAN INSTITUTE FOR FOREIGN  
STUDY INC.,

*Defendants.*



SA-19-CV-00607-FB

## ORDER

Before the Court in the above-styled cause of action is Defendant Scott Ash James Zirus's Request for Judicial Notice [#87], Plaintiffs' objection [#89], and Zirus's reply [#92]. Zirus, proceeding *pro se*, asks the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of certain documents that he represents are from the Australian Tax Office and Australian Department of Human Services as public records as well as certain "adjudicative facts" that he contends the documents establish. This Court is permitted to take judicial notice of adjudicative facts that "are not subject to reasonable dispute" at any stage of the proceedings. *See* Fed. R. Evid. 201(b), (d). In this case, Plaintiff contests that Zirus has met the standard under Rule 201. But the Court need not resolve this evidentiary dispute at this point in the litigation. Currently, there is no pending dispositive motion before the Court that would require the consideration of the evidence identified by Zirus. Nor is there currently a date scheduled for trial. If, at a later point, Zirus wishes to submit this evidence, the Court can evaluate the purpose for which it is being offered, its relevance, and any objections to its admissibility, and can evaluate whether judicial notice can be taken of any facts. Zirus may renew his request for

judicial notice of the documents he has identified for the Court in conjunction with presenting the Court with an evidentiary record associated with a motion for summary judgment or at the time of trial.

**IT IS THEREFORE ORDERED** that Defendant Scott Ash James Zirus's Request for Judicial Notice [#87] is **DENIED WITHOUT PREJUDICE** to re-filing in conjunction with a motion for summary judgment or with the trial of this matter.

SIGNED this 23rd day of June, 2020.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE